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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,818	02/19/2002	David Arthur Grosvenor	30003580-2	7126

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EXAMINER

NGUYEN, KIMBINH T

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 11/25/2003

2/

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/078,818	GROSVENOR ET AL.
Examiner	Art Unit	
Kimbinh T. Nguyen	2671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 February 2002.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claims 1-19 are pending in the application.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 13, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (6,587,119).

Claim 1, Anderson et al. discloses a set of image data of static image (col. 4, lines 62-64); identifying characteristics of the image content (multiple images, a panorama image, a burst image, a time lapse image. A panorama image comprises overlapping images of a larger scene; col. 4, line 63 through col. 5, line 5); generating a set of video data (col. 2, lines 57-67), a set of video data for output to a display device (LCD) connected to the CPU (col. 3, lines 13-44), the video data representing displayable motion over the static image and generating in accordance with the image content characteristics (col. 5, lines 6-32).

Claim 13, Anderson et al. discloses the image data is representative of a displayable photograph (capturing high quality static photographs; col. 1, lines 36-37).

Claim 15, the rationale provided in the rejection of claim 1 is incorporated herein.

In addition, Anderson teaches a computer readable medium (col. 3, lines 45-51).

Claim 16, Anderson et al. discloses a processor (microprocessor), a data port (input/output) and video port (camera) the processor receives image data (input),

performs identifying characteristics of the image content (col. 4, lines 64-67), generating and output the video data (col. 2, lines 57-67).

**Claim 17**, the rationale provided in the rejection of claim 16 is incorporated herein.

5. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (6,256,061).

**Claim 2**, Martin et al. discloses determining predefined image characteristics presented in the image (hemispherical/spherical image, a high resolution still image; col. 4, lines 1-3), executing an algorithm (the ASCII command file or command sequencing data file; col. 3, line 63 64; col. 4, lines 4-13) associated with characteristics identified, the algorithm defining rules (instructions or command) for generating a moving object over the image (col. 9, lines 35-47).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (6,256,061) in view of Lau et al. (6,633,309).

**Claim 3**, Lau et al. discloses identifying a predefined image class (col. 5, lines 52-60)), in that image class, sub-parts of the image (sub-objects) have predefined

characteristics (col. 10, lines 47-50), establishing index frames based on a close-up view of sub-part (col. 2, lines 15-22), executing an algorithm (a software program) to determine a display path from one to index frame to the next (col. 5, lines 25-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the identifying a predefined image, viewing a close-up image as taught by Lau into the spherical still image of Martin, because it would allow an operator is able to view a close-up location in the zoom window (col. 2, lines 17-18).

**Claim 18**, the rationale provided in the rejection of claims 2 and 17 is incorporated herein.

**Claim 19**, the rationale provided in the rejection of claims 3 and 17 is incorporated herein.

7. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (6,256,061) in view of Lau et al. (6,633,309) and further in view of Madrane (6,573,907), Foote et al. (6,404,925), Terashita et al. (5,128,711) and Anderson et al. (6,587,119).

**Claim 4**, Madrane discloses determining the order of index frames to be displayed (col. 1, lines 62-64; figs. 3, 4); the amount of time for each index frame, the transition between each index frame (col. 1, lines 27-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the order of index frame as taught by Madrane into the spherical still image of Martin, because it would develop in the fields of video indexing and video editing (col. 1, lines 62-64).

**Claims 5, 6,** Foote et al. discloses identifying regions of interest (col. 24, lines 45-47) and performing a feature recognition identifies human facial features , index frame based on a close-up view of identified facial features (col. 20, lines 35-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the region of interest as taught by Foote into the spherical still image of Martin, because selecting video regions that allows visualizing as well as supporting non-contiguous selection (col. 24, lines31-33).

**Claim 7,** Terashita et al. comparing the facial features with a database of pre-stored facial features for facial features already present in the database (col. 2, lines 55-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate comparing the facial feature as taught by Terashita into the spherical still image of Martin, because it would detect correctly facial image without requiring a difficult operation (col. 2, lines 60-62).

**Claim 8,** Anderson et al. determining the orientation of the facial features, generating a display path (path of panning) which follows the general gaze direction which the facial features exhibit (col. 5, lines 42-52; fig. 4B). **Claim 9,** Anderson et al. discloses identifying a predefined image class, in that there is dominant edge, line or curve (panning path, a curve fitting function (col. 8, lines 42-49; figs. 9G, 9H), Anderson does not teach executing an algorithm; however, Martin teaches executing an algorithm for determining a display path following dominant edge, line or curve (col. 10, lines 24-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the command sequencing data file as taught by

Martin into defining a panning and zooming path across a still image of Anderson's system for provide an algorithm associated with predefined image, because it would provide video motion rate images via low bandwidth digital transmissions or small data files from a still image taken of an inanimate environment (abstract).

**Claim 10**, the rationale provided in the rejection of claims 3 and 9 is incorporated herein.

**Claim 11**, the rationale provided in the rejection of claim 2 is incorporated herein. In addition, Martin teaches prompting the user manually (instruction how to select the image portions) to select an option in a sub-level (col. 10, lines 21-23). Martin does not teach selecting an option in a sub-level; however, Martin teaches selecting image portions (col. 9, lines 37-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the selecting image portions, because it would allow a user may take control of the tour of the displayed image and explore the image on his own (col. 3, lines 42-43).

8. Claims 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,587,119) in view of Uchihachi et al. (6,535,639) and Madrane (6,573,907).

**Claim 12**, Uchihachi et al. discloses generating video data of video sub-clips (video was divided into 69 segments or shots), each sub-clip representing displayable motion over a different part of the static image, editing for linking the sub-clips to form a second set of video data (col. 4, line 65 through col. 5, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate video sub-clip as taught by Uchihachi into defining a panning and zooming path across a still image of Anderson's system, because it would create segments (video clip) from the same cluster ID (abstract).

**Claim 14**, Madrane discloses the data is representative of panning motion, the initial and end frames representing salient parts of the image (salient still; col. 3, lines 38-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the salient still as taught by Madrane into defining a panning and zooming path across a still image of Anderson's system for provide a salient still of the video sequence, because it would provide a composite image called salient still, representative of the video sequence (col. 3, lines 51-53).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kimbinh Nguyen** whose telephone number is **(703) 305-9683**. The examiner can normally be reached **(Monday- Thursday from 7:00 AM to 4:30 PM and alternate Fridays from 7:00 AM to 3:30 PM)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Part II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

November 20, 2003



Kimbinh Nguyen

Patent Examiner AU 2671